

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

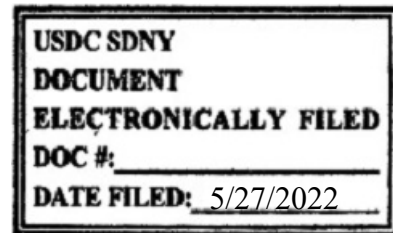
WESLEY ALEXANDER HOOKS,

Plaintiff,

-against-

THE CITY OF NEW YORK, et al.,

Defendant.



21-CV-10771 (JGK) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

Pro se plaintiff Wesley Alexander Hooks alleges, *inter alia*, that he was "falsely arrested and kidnapped" on February 16, 2020, by officers of the New York Police Department (NYPD), who then conducted a warrantless search of his apartment, taking evidence which could have vindicated him of the criminal charges against him. Am. Compl. (Dkt. No. 3), at ECF pages 11-13. Those charges included criminal obstruction of breathing, in violation of N.Y. Penal Law § 121.11(a), and criminal mischief in the fourth degree in violation of N.Y. Penal Law § 145.00(1), both arising out of an altercation between plaintiff and his then-girlfriend on June 9, 2019. *See* Wiaderna Decl. (Dkt. No. 31) Ex. D (Dkt. No. 30-4).

By letter dated May 26, 2022 (Dkt. No. 32), defendant City of New York (City) advises the Court that plaintiff Hooks has been found guilty of the underlying criminal charges and seeks leave to file a motion to dismiss plaintiff's claims against it (mooting its pending motion to stay) on that basis. The application is GRANTED. The pending motion to stay (Dkt. No. 21) is DENIED AS MOOT. The City shall answer, move, or otherwise respond to the Amended Complaint no later than **June 17, 2022**. Plaintiff's opposition to the City's planned motion to dismiss shall be filed no later than **July 18, 2022**. Reply papers, if any, shall be filed no later than **August 1, 2022**.

The Court notes that plaintiff has not yet responded to the motion to dismiss filed by defendants Jamie Niskanen-Singer and the Legal Aid Society on March 30, 2022. (Dkt. No. 23.)

His time to do so expired on April 13, 2022. *See* Local Civ. P. 6.1(b). In deference to plaintiff's *pro se* status, the Court extends plaintiff's time to file opposition papers to **July 18, 2022**. Reply papers, if any, shall be filed no later than **August 1, 2022**.

The Court further notes that defendant Stephen Edwards has failed to (i) move to dismiss his counterclaim voluntarily or (ii) show cause in writing why the counterclaim should not be dismissed, as this Court directed on April 1, 2022. (Dkt. No. 27.) That filing was due by April 15, 2022. (*Id.*) In the interest of efficiency, defendant Edwards' time to dismiss his counterclaim or show cause why it should not be dismissed is EXTENDED to **June 17, 2022**.

Finally, the Court notes that defendants Ralph Garcia and Adam Neal failed to respond to the Amended Complaint by May 15, 2022, as required. (Dkt. No. 27.) In the interest of efficiency, their time to answer, move, or otherwise respond to the Amended Complaint is EXTENDED to **June 17, 2022**. If they file motions to dismiss, plaintiff's opposition shall be filed no later than **July 18, 2022**, and reply papers, if any, shall be filed no later than **August 1, 2022**.

The Clerk of Court is respectively directed to mail a copy of this Order to the plaintiff at his address of record and to the *pro se* defendants, as follows:

Ralph Garcia
c/o Kenmore & Associates
145 E. 23d St.
New York, NY 10010

Adam Neal, Esq.
106 W. 32d Street
New York, NY 10001

Dated: New York, New York
May 27, 2022

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge